



Department
for Education

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Date: 26 September 2019

Mr C Rankine
The Proprietor
Homeschool
49 Manifold Way
Sandwell
Wednesbury
West Midlands
WS10 0GB

Dear Mr Rankine,

HOMESCHOOL

I refer to an inspection carried out by Her Majesty's Chief Inspector of Education, Children's Services and Skills ('HMCI') on 21st May 2019 at the above school ('the school') under s.109 of the Education and Skills Act 2008 ('the Act').

You will see from the enclosed report of that inspection ("the May 2019 inspection report"), which has been published, that the inspection found a number of failings relating to the independent school standards ('ISS')¹.

The Secretary of State has been satisfied, taking into the account the inspection history relating to the school (including that detailed in the May 2019 inspection report), that there are one or more failings to meet the ISS in relation to the school. In addition, he is of the view that the seriousness and extent of the failings identified in the May 2019 inspection report warrants the taking of enforcement action. In particular, it appears that the quality of education at the school, the welfare, health and safety of pupils at the school, the premises and accommodation at the school and the leadership and management of the school all failed to meet the relevant standards in the ISS. Furthermore, for the reasons set out below in this letter, the condition in section 115(4) of the Act for taking enforcement action against a proprietor has been met in relation to the school. The Secretary of State has, therefore, decided to impose a 'relevant restriction' on the proprietor of the school. The effect of the specific restriction which the Secretary of State has decided to impose will be, when it takes effect, that no new pupils may be admitted to the school.

¹ See the Schedule to the Education (Independent School Standards) Regulations 2014, Statutory Instrument 2014/3283.

Decision to impose relevant restriction

Taking account of the May 2019 inspection report, the Secretary of State has been satisfied, for the purposes of section 115(1) of the Act, that one or more of the ISS are not being met in relation to the school. In addition, the condition in section 115(4) of the Act has been satisfied. This is because by a notice dated 21st January 2019 (i.e. less than 3 years previously) the Secretary of State required the proprietor of the school to produce an action plan under section 114 of the Act and the subsequent action plan submitted by the proprietor of the school was rejected by the Secretary of State by notice, dated 2nd May 2019. Therefore, the Secretary of State was authorised under section 116 of the Act to take enforcement action in relation to the school.

Having the power to take enforcement action under s.116 of the Act, and having considered whether any, and what sort of, enforcement action under section 116 of the Act would be appropriate, the Secretary of State has decided to impose the following relevant restriction (see section 117 of the Act and in particular subsection (1)(c)):

The proprietor of Homeschool, (49 Manifold Way, Sandwell, Wednesbury, West Midlands, WS10 0GB), is required to cease to admit any new pupils to that school and that this requirement is to start to apply immediately after the 28-day period stipulated in section 125(2) of the Education and Skills Act 2008 for making an appeal against the decision to impose this relevant restriction has expired.

The 28-day period referred to above will begin with the date on which the attached notice is served on the proprietor. Our working assumption is that notice will be served on the proprietor after the end of two working days following the date of this letter. On this assumption, the proprietor will be prohibited from admitting new pupils to the school after 26th October 2019, in the event that no appeal is made by the proprietor to the First-Tier Tribunal within the 28 day period. The annex to the attached notice sets out the regulatory failings which have led to the decision to impose this relevant restriction.

The proprietor of the school may apply to the Secretary of State to have the relevant restriction revoked or varied under section 118(4) of the Act. Such an application would be approved only if the Secretary of State was satisfied that it would be appropriate to do so because of any change in circumstances. In particular, the extent to which the ISS are then being met would be of significance to the Secretary of State's consideration of any such application. There is no time limit on when a proprietor may make an application to the Secretary of State under section 118(4) of the Act.

The proprietor also has the right under section 125(1)(c) of the Act to appeal against the decision to impose this relevant restriction to the First-Tier Tribunal. Any appeal must be made, in writing, within 28 days of the date on which the attached notice is served on the proprietor. If an appeal is made by the proprietor within the required time limit, then the relevant restriction will not take effect until such time as the appeal is determined, withdrawn or otherwise disposed of. The relevant contact details are: HM Courts and Tribunal Service, 1st Floor, Darlington Magistrate's Court, Parkgate, Darlington DL1 1RU. Telephone 01325 289350.

It is an offence for a proprietor to fail to comply with a relevant restriction which has taken effect, with penalties of up to six months' imprisonment and/or a fine (for which there is no maximum set in the Act (see section 118(2) of the Act and section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012).

Continued failure to comply with the ISS may also result in the Secretary of State deciding that it is appropriate to remove the school from the register of independent schools.

Yours faithfully

[REDACTED]
[REDACTED]

INDEPENDENT EDUCATION DIVISION

SECTION 116(1)(a) AND (2) OF THE EDUCATION AND SKILLS ACT 2008¹

(‘the Act’)

**NOTICE OF THE DECISION BY THE SECRETARY OF STATE FOR EDUCATION TO
IMPOSE A RELEVANT RESTRICTION ON THE PROPRIETOR OF THE FOLLOWING
SCHOOL:**

TO THE PROPRIETOR

Homeschool
49 Manifold Way,
Sandwell,
Wednesbury,
West Midlands,
WS10 0GB
(‘the school’)

WHEREAS -

(i) The Secretary of State for Education (“the Secretary of State”) has received a report (“the May 2019 inspection report”) of an inspection by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (“HMCI”), carried out on 21st May 2019, which evidenced that a number of the independent school standards (as prescribed in the Education (Independent School Standards) Regulations 2014 – “the 2014 Regulations”) were not being met in relation to the school;

(ii) The Secretary of State having considered the May 2019 inspection report has been satisfied that the independent school standards specified in Annex 1 to this notice are not being met in relation to the school;

(iii) The condition for taking enforcement action in section 115(4) of the Act has been met, specifically because the proprietor of the school was required to submit an action plan under section 114 of the Act by notice from the Secretary of State dated 21st January 2019 and the subsequent action plan submitted by the proprietor of the school was rejected by the Secretary of State by notice dated 2nd May 2019;

(iv) The Secretary of State has decided to impose the following relevant restriction²:

The proprietor of Homeschool (49 Manifold Way, Sandwell, Wednesbury, West Midlands, WS10 0GB) is required to cease to admit any new pupils to that school and that this requirement is to start to apply immediately after the

¹ c.25.

² ‘Relevant restriction’ is defined in section 117(1) of the Act – see in particular section 117(1)(c).

28-day period stipulated in section 125(2) of the Education and Skills Act 2008 for making an appeal against the decision to impose this relevant restriction has expired.

NOW THEREFORE –

Notice is hereby given to the proprietor of the school, for the purposes of section 116(2) of the Act, that the Secretary of State has decided under section 116(1)(a) of the Act to impose the following relevant restriction:

The proprietor of Homeschool (49 Manifold Way, Sandwell, Wednesbury, West Midlands, WS10 0GB) is required to cease to admit any new pupils to that school and that this requirement is to start to apply immediately after the 28-day period stipulated in section 125(2) of the Education and Skills Act 2008 for making an appeal against the decision to impose this relevant restriction, has expired.

By virtue of section 116(3) of the Act, the decision in question does not take effect during the period in which (a) an appeal to the First-Tier Tribunal may be brought against it under section 125 of the Act or (b) where such an appeal is brought, the appeal has not been determined, withdrawn or disposed of.

Any appeal under section 125 must be brought within the period of 28 days beginning with the day on which notice of the decision is served on the proprietor (section 125(2) of the Act).

Signed.....

Date: 26th September 2019



Independent Education Division

**ANNEX TO NOTICE OF THE DECISION TO IMPOSE A RELEVANT RESTRICTION ON
THE PROPRIETOR OF THE FOLLOWING SCHOOL**

**Homeschool
49 Manifold Way,
Sandwell,
Wednesbury,
West Midlands,
WS10 0GB
(‘the school’)**

The following independent school standards, as prescribed in the Schedule to the Education (Independent School Standards) Regulations 2014, are standards that the Secretary of State has been satisfied are not being met in relation to the school:

PART 1: Quality of education provided

1. The standards about the quality of education provided at the school are those contained in this Part.

2.(1) The standard in this paragraph is met if—

(a) the proprietor ensures that a written policy on the curriculum, supported by appropriate plans and schemes of work, which provides for the matters specified in sub-paragraph (2) is drawn up and implemented effectively; and

(b) the written policy, plans and schemes of work—

(i) take into account the ages, aptitudes and needs of all pupils, including those pupils with an EHC plan.

3. The standard in this paragraph is met if the proprietor ensures that the teaching at the school—

(a) enables pupils to acquire new knowledge and make good progress according to their ability so that they increase their understanding and develop their skills in the subjects taught;

(b) fosters in pupils self-motivation, the application of intellectual, physical and creative effort, interest in their work and the ability to think and learn for themselves;

(c) involves well planned lessons and effective teaching methods, activities and management of class time;

(d) shows a good understanding of the aptitudes, needs and prior attainments of the pupils, and ensures that these are taken into account in the planning of lessons;

(e) demonstrates good knowledge and understanding of the subject matter being taught;

(f) utilises effectively classroom resources of a good quality, quantity and range;

(g) demonstrates that a framework is in place to assess pupils’ work regularly and thoroughly and use information from that assessment to plan teaching so that pupils can progress.

PART 3: Welfare, health and safety of pupils

6. The standards about the welfare, health and safety of pupils at the school are those contained in this Part.

7. The standard in this paragraph is met if the proprietor ensures that—

(a) arrangements are made to safeguard and promote the welfare of pupils at the school; and

11. The standard in this paragraph is met if the proprietor ensures that relevant health and safety laws are complied with by the drawing up and effective implementation of a written health and safety policy.

15. The standard in this paragraph is met if the proprietor ensures that an admission and attendance register is maintained in accordance with the Education (Pupil Registration) (England) Regulations 2006³.

16. The standard in this paragraph is met if the proprietor ensures that—

(a) the welfare of pupils at the school is safeguarded and promoted by the drawing up and effective implementation of a written risk assessment policy; and

(b) appropriate action is taken to reduce risks that are identified.

PART 5: Premises of and accommodation at schools

25. The standard in this paragraph is met if the proprietor ensures that the school premises and the accommodation and facilities provided therein are maintained to a standard such that, so far as is reasonably practicable, the health, safety and welfare of pupils are ensured.

27. The standard in this paragraph is met if the proprietor ensures that—

(a) the lighting in each room or other internal space is suitable, having regard to the nature of the activities which normally take place therein; and

29. (1) The standard in this paragraph is met if the proprietor ensures that suitable outdoor space is provided in order to enable—

(a) physical education to be provided to pupils in accordance with the school curriculum; and

(b) pupils to play outside.

³ S.I. 2006/1751, to which there are amendments not relevant to these Regulations.

PART 8: Quality of leadership in and management of schools

34. (1) The standard about the quality of leadership and management is met if the proprietor ensures that persons with leadership and management responsibilities at the school—

(a) demonstrate good skills and knowledge appropriate to their role so that the independent school standards are met consistently;

(b) fulfil their responsibilities effectively so that the independent school standards are met consistently; and

(c) actively promote the well-being of pupils.

(2) For the purposes of paragraph (1)(c) “well-being” means well-being within the meaning of section 10(2) of the Children Act 2004⁴.

⁴ 2004 c.31.